

**ERIE COUNTY LEGISLATURE
MEETING NO. 4
FEBRUARY 14, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present except Legislator Smith.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Kennedy.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes from previous meetings for approval.

Item 4 - No Public Hearings.

*** Legislator Smith entered the Legislative Chambers and is now present.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. LOUGHRAN presented a resolution In Memory of Honorable Matthew J. Jasen.

Item 7 – SMITH & HOLT presented a resolution Recognizing Keith A. Beauchamp, Director and Producer of the Documentary "The Untold Story of Emmet Louis Till."

Item 8 – MS. LOCKLEAR presented a resolution Congratulating Mike Eberle Upon His Retirement for Over 30 Years of Dedicated Service to Erie County.

Item 9 – SMITH & HOLT presented a resolution Honoring Contractor Raymond Black Upon Winning the First Annual 2006 Joyce Allen Award.

MS. WHYTE moved for consideration of the above four items. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to add two miscellaneous resolutions submitted by Legislators Iannello and Marinelli and include Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above six items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 11 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIRMAN MARINELLI directed that Comm. 4E-24 be taken out of order.

GRANTED.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, WEINSTEIN and LOUGHRAN. (AYES: 11, NOES: 4)

CARRIED.

RESOLUTION NO. 42

RE: Two-Year Extension & Sharing of
 Additional 1% - Sales & Compensating Use
 Tax – Amendment of Erie County Sales and
 Use Tax Resolution (COMM. 4E-24)

RESOLUTION

of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax, pursuant to Chapter of the Laws of 2006.

Be it enacted by the Legislature of the County of Erie, as follows:

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Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending February twenty-[eight, two thousand six]nine, two thousand eight, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are hereby further amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending February [28, 2006]29, 2008, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after March first,[two thousand six] two thousand eight. With respect to the tax rate of 3 percent effective March first,[two thousand six] two thousand eight, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to March first,[two thousand six] two thousand eight, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February twenty-[eight, two thousand six] nine, two thousand eight. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March first,[two thousand six] two thousand eight, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise

exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand six] two thousand eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand six] two thousand eight, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand six] two thousand eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

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(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand six] two thousand eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand six] two thousand eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (D) of clause (1) of Section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

(D) With respect to the additional tax of one percent imposed effective for the period beginning March first, nineteen hundred eighty-nine, and ending February twenty-[eight, two thousand six] nine, two thousand eight, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

Section 5. A new subdivision (g) is added to section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, to read as follows:

(g) The first twelve million five hundred thousand dollars (\$12,500,000) of the net collections from the additional one percent rate of sales and compensating use taxes imposed during the period commencing January 1, 2007, and ending February 29, 2008, by sections 2 and 4 of this resolution shall be allocated to the cities of the County and the area in the County outside the cities and shall be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law in effect on January 1, 2006, and shall be subject to all provisions of such agreement governing the net collections for such cities and area, and the County shall retain the remainder of such net collections which shall be used by the County for any County purpose and such remainder shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 6. This enactment shall take effect March first, two thousand six.

Item 13 - CHAIRMAN MARINELLI directed that INTRO 4-3 be taken out of order.

GRANTED.

MS. WHYTE presented the following resolution and moved for immediate consideration.
MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Erie County BOE Adjustments for Rate of
Pay for Elections Inspectors (INTRO 4-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI & WHYTE**

MS. LOCKLEAR moved to amend the item by attaching the following resolution . MS.
KONST seconded.

CARRIED UNANIMOUSLY.

WHEREAS, on October 29, 2002, President George W. Bush signed the "Help America Vote Act" (*HAVA*), a Federal mandate, which provided for sweeping changes in voting systems and for the administration of the electoral process, from voter registration to the casting of the ballot. In New York State, HAVA was implemented by the Election Consolidation and Improvement Act of 2005, which was signed into law by Governor George Pataki on July 12, 2005, and

WHEREAS, election inspectors are an integral part of the electoral process and ensure that people vote in an orderly fashion and that only registered voters have access to the polls, and

WHEREAS, prior to the implementation of HAVA each municipality in Erie County was responsible for hiring and setting all terms of employment for election inspectors; and

WHEREAS, HAVA forces Erie County hire and compensate all election inspectors and set a rate of compensation which is uniform throughout Erie County; and

WHEREAS, election inspectors are required to work 16 hour shifts which start at 5:30 a.m. and end at 9:30 p.m., New York State law prohibits the splitting of shifts; and

WHEREAS, the Board of Elections has difficulties recruiting election inspectors because of the mandatory 16 hour shift and anticipates a high rate of attrition upon the introduction of computerized voting machines in the fall of 2006; and

WHEREAS, the Niagara County Legislature has set a daily rate of \$180 for election inspectors and the Albany County Legislature has set a daily rate of \$200; and

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WHEREAS, the Board of Elections are able to recover the costs of compensating the election inspectors from the municipalities where the elections are held; and

WHEREAS, the hiring and establishment of the rate of pay for election inspectors must be completed prior to the February 28, 2006 special election called by the Governor to fill the vacancy in the 60th Senate District.

NOW, THEREFORE, BE IT

RESOLVED, the daily rate of pay, including travel and any other cost, for all Erie County election inspectors for the February 28, 2006 special election is \$132 per day with a \$15 stipend for the captain, and be it further

RESOLVED, subsequent to the February 28, 2006 special election the daily rate, including travel and any other cost, of pay for all Erie County election inspectors for each primary and general election subsequent to February 2006, is \$160 per day with a \$15 stipend for the captain, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Budget Director, Comptroller and the Board of Elections.

MR. SMITH moved to further amend the resolution. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

DELETE the second RESOLVED clause and REPLACE with the following:

RESOLVED, daily rate of pay for all Erie County election inspectors for all elections subsequent to the February 28, 2006 special election should be determined after input from local municipalities as these municipalities are responsible for paying all costs for election inspectors by the March 2, 2005 session.

MS. WHYTE moved for the approval of the item as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: BOE Resolution Re: Special Election for the 60th District & Election Inspector Salaries (COMM. 4E-15)

MS. WHYTE moved to amend the item by attaching the following resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Governor of New York State has called for a special election in the 60th Senate District, and

WHEREAS, the Help America Vote Act (HAVA) makes it the responsibility of the County to run all Federal, State and Local Elections.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive appropriate the following cost to the Board of Elections:

Account #	Account Title	Amount
501000	Personal Services Overtime	\$10,000
506020	Professional Service Fee	\$65,160
545000	Rental Charges	\$84,000
530000	Other Expenses	\$ 4,000
516020	Contract Expenses	\$12,000

RESOLVED, that the Director of Budget, Management & Finance, and the County Comptroller be authorized to modify the 2006 Budget and transfer \$175,160 from Account #598900 County Contingency to fund these accounts, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Department of Law, the Commissioner of Board of Elections and the County Executive.

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 15 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

FEBRUARY 7, 2006

HEALTH COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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1. RESOLVED, the following item has hereby failed:

a. COMM. 2E-12 (2006)

COUNTY EXECUTIVE: Appointment of Director of the ECMCC
 (2-3) Legislators Weinstein, Whyte and Locklear voted in the negative.

2. COMM. 3E-15 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the New York State Department of Health in the amount of \$69,062 for the period 10/1/05 – 9/30/06, and

WHEREAS, the purpose of this program will be to operate an information-sharing and referral program for youth ages birth through twenty one with special health care needs, and authorizes the creation of one full-time position of Sr. Caseworker, JG 9, Step B.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Department of Health to accept the grant which is budgeted as follows:

Department of Health
Children with Special Health Care Needs Grant
SAP Title: 127CWSHCN0506

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$69,062</u>
	TOTAL	<u>\$69,062</u>
	EXPENSES	
500000	Personal Services	\$48,589
502000	Fringe Benefits	13,134
510000	Travel	2,000
980000	ID DISS Services	2,000
505000	Supplies	<u>3,339</u>
	TOTAL	<u>\$69,062</u>

and be it further

RESOLVED, that one full-time position of Sr. Caseworker, JG 9, and Step B is hereby created on B100 control number 1432.

The following personnel detail is hereby submitted:

TITLE: Sr. Caseworker

FUNDING: 100% State Funded

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JG: 9
 STEP: B
 ANNUAL SALARY: \$48,589
 ANNUAL BENEFITS: \$13,134

CIVIL SERVICE: Yes - Competitive
 CIVIL SERVICE LIST: Yes

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (4-0) Legislator Marinelli not present.

CYNTHIA E. LOCKLEAR
CHAIRMAN

Item 16 – MR. HOLT presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

FEBRUARY 23, 2006

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27E-6 (2005)
COUNTY EXECUTIVE: Request for Appointments to EC Implementation Committee
 (3-0)
 - b. COMM. 1M-6 (2006)
CITY OF BUFFALO - DEPT. OF LAW: Amendment to the Intermunicipal Cooperation Agreement for the Operation, Management & Improvement of City of Buffalo Parkland
 (3-0)
 - c. INTRO 2-3 (2006)
IANNELLO: Transfer of District Office Funds to Erie County General Fund Account
 (3-0)
 - d. COMM. 4E-1 (2006)
COMPTROLLER: Copy of Letter to County Attorney Re: Litigation Against Pharmaceutical Companies
 (3-0)

CYNTHIA E. LOCKLEAR
VICE-CHAIR

FOR

GEORGE A. HOLT, JR.
CHAIRMAN

Item 17 – MR. KENNEDY presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

FEBRUARY 9, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 32E-17 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, there is a need for Highway/Bridge Engineering Services performed by a firm specializing in the provision of such services, and

WHEREAS, after careful review by the Department of Public Works of each firm's capabilities, several firms were selected having the necessary expertise, experience and manpower to provide the required services, and

WHEREAS, this method of assigning projects to any one of the selected firms will permit a more timely execution of projects, and

WHEREAS, it is necessary appropriate to have sufficient depth of consultant talent and expertise to handle the anticipated increase in County highway and bridge projects, and

WHEREAS, it is necessary to make available twenty-seven (27) consultant firms for various programmed Federal Aid Projects, Capital Projects and Emergency Projects.

NOW, THEREFORE, BE IT,

RESOLVED, that your Honorable Body authorize the County Executive to enter into an agreement with each of the following firms to provide General Highway/Bridge Engineering Services for miscellaneous projects:

Abate Engineering Associates, P.C.
 Bergmann Associates

GZA GeoEnvironmental of New York
 Hatch Mott McDonald NY, Inc.

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C & S Engineers, Inc.
 Clark Patterson Associates
 CME
 D & S Realty Consultants, Inc.
 DiDonato Associates, P.E., P.C.
 Empire Geo Services, Inc..
 Erdman Anthony & Associates, Inc
 Fisher Associates, P.E.,L.S.,P.C.
 Foit-Albert Associates
 FRA Engineering, P.C.
 Greenman-Pedersen, Inc.
 Clough-Harbour & Associates

Liro Kassner, Inc.
 McMahon & Mann Consulting Eng.P.C.,Inc.
 Nussbaumer & Clark, Inc.
 Parsons Brinckerhoff Quade & Douglas, Inc
 Parsons Transportation Group of NY, Inc.
 Stantec Consulting Group, Inc.
 TVGA Engineering & Surveying, P.C.
 Urban Engineers of New York, P.C.
 URS Corporation
 Watts Engineers
 Wendel-Duchscherer, P.C.

and be it further

RESOLVED, that the listing of Consultant firms that the County Executive is authorized to enter into agreement with to provide General Highway/Bridget Engineering Services for miscellaneous projects, be increased to twenty-seven (27) firms, and be it further

RESOLVED, that the fees for the contracts to the above-noted engineering firms will be \$1,000,000 or less, and be it further

RESOLVED, that additional consultants may be appointed during the course of the term agreement, provided that they meet all the qualifications as previously established by the Department of Public Works with Legislative approval, and be it further

RESOLVED, that the contract duration will be for one year, and be it further

RESOLVED, that the engineering fees will be paid to the selected consultants on a project-by- project basis with the amount of each project fee being determined by the Commissioner of Public Works and approved by the Erie County Legislature, and be it further

RESOLVED, that funding for such services be identified separately for each such project that is to be accomplished, and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Deputy Commissioner, Highways, Department of Public Works, and also one copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the Office of the County Comptroller.

(4-0)

2. COMM. 3E-6 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works has submitted a grant to the New York State Department of State for their Shared Municipal Services incentive Grant Program titled Utility Procurement Aggregation Group Expansion in conjunction with Niagara County and Chautauqua County, and

WHEREAS, the grant seeks funds to expand the Erie County and Niagara County Utility Aggregate by contacting each town and village within Erie, Niagara and Chautauqua County, investigating how their current utility bills are paid and offering a potential low cost alternative, and

WHEREAS, the estimate cost of the entire grant is nearly \$75,000, and

WHEREAS, the Erie County Department of Public Works is seeking funding from NYSERDA to pay for the match portion of the grant, and

WHEREAS, if NYSERDA declines to participate in the grant, the matched portion of the grant, which will not exceed \$7,500, will be taken from the Utility Fund being Fund 140, and

WHEREAS, the New York State Department of State requires that Erie County Legislature support the submission of this grant.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature fully supports and authorizes the Erie County Department of Public Works to submit a grant titled Utility Procurement Aggregation Group Expansion to the New York State Department of State for their Shared Municipal Services Incentive Grant Program naming Gerard J. Sentz, P.E. as the Lead Applicant Contact person in conjunction with Niagara County and Chautauqua County, and be it further

RESOLVED, that the Erie County Legislature authorizes the matching funds not to exceed \$7,500 to be taken from the Utility Fund, SAP Fund 140, if NYSERDA declines to fund this project, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works and one copy each to the Office of the County Executive, the Director of Budget, Finance and Management, and the Office of the Comptroller.

(4-0)

3. COMM. 3E-8 (2006)

COUNTY EXECUTIVE

WHEREAS, on October 7, 2004, your Honorable Body authorized the County Executive to enter into contracts for the reconstruction of Houses 11 & 12 at the Buffalo and Erie County Botanical Gardens, and

WHEREAS, the funding for said project included a \$290,000 construction contingency fund, and

WHEREAS, unanticipated costs have occurred relating to finishing the project due to field conditions related to the enclosure for lead abatement, and

WHEREAS, unanticipated work will require an increase in the construction contingency fund.

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$200,000 from \$290,000 to \$490,000, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the construction contingency, and be it further

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further

RESOLVED, that funding for the additional \$200,000 be from the Empire State Development Grant for the project WBS element A.00234.2, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, the Office of the Comptroller, and the Department of Parks and Recreation.

(4-0)

4. COMM. 3E-9 (2006)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for the Rath Building Cooling Tower Replacement, Engineer's Supplemental Agreement, and

WHEREAS, the firm of Trautman Associates presently has a General Architectural/Engineering Agreement with the County of Erie to provide design services, and

WHEREAS, the resolution dated November 10, 2005 authorized the acceptance of funds from NYSDERDA and placement of these funds into Account A.00049.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Trautman Associates in an amount not-to-exceed \$28,400, including testing, reimbursables, inspection and miscellaneous expenses relative to the engineering design services required for the Rath Building Cooling Tower Replacement, and be it further

RESOLVED, that the Comptroller is authorized to make all payments from the 2002 Energy Conservation Project A.00049, in an amount not to exceed \$28,400.00, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

(4-0)

TIMOTHY KENNEDY
CHAIRMAN

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Item 18 – MR. SMITH presented the following report and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

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FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23M-16 (2005)
BUFFALO-NIAGARA PARTNERSHIP: A Plan for Moving On
 (4-0) Legislator Marinelli not present.
 - b. COMM. 24M-9 (2005)
ECMCC: 2006 ECMCC Operating Subsidy
 (4-0) Legislator Marinelli not present.
 - c. INTRO 27-1 (2005)
SMITH: Better Usage of Erie County Facilities and Assets
 (4-0) Legislator Marinelli not present.
 - d. COMM. 28M-1 (2005)
BUFFALO NIAGARA PARTNERSHIP: "A Plan for Moving On" Omissions from Erie County's FY2006 Four-Year Plan
 (4-0) Legislator Marinelli not present.
 - e. COMM. 28M-5 (2005)
AUDIT COMMITTEE FOR ERIE COUNTY: Proposed Resolution Authorizing County Executive Giambra to Enter Into a Contract with Deloitte and Touche, LLP
 (4-0) Legislator Marinelli not present.
 - f. INTRO 31-3 (2005)
HOLT: Legislature Personnel Adjustments in 2006
 (4-0) Legislator Marinelli not present.
 - g. COMM. 31D-2 (2005)
ECMCC: Letter to Legislator Smith Re: Cuts to ECMCC Subsidy
 (4-0) Legislator Marinelli not present.
 - h. COMM. 32M-10 (2005)
ECFSA: County Finances

- (4-0) Legislator Marinelli not present.
- i. COMM. 1E-4 (2006)
COMPTROLLER: Copy of Letter to ECFSA Executive Director Re: Comm. 32M-10
 (4-0) Legislator Marinelli not present.
- j. INTRO 2-5 (2006)
LOUGHRAN: Distribution of Sales Tax Revenue
 (4-0) Legislator Marinelli not present.
- k. COMM. 2E-5 (2006)
COUNTY EXECUTIVE: Copy of Letter to ECFSA Chairman Re: Modifications to Four-Year Plan
 (4-0) Legislator Marinelli not present.
- l. COMM. 2D-1 (2006)
BUDGET, MANAGEMENT & FINANCE: BMR for Period Ending 10/31/05
 (4-0) Legislator Marinelli not present.
- m. INTRO 3-11 (2006)
LOCKLEAR, KONST, WEINSTEIN & MAZUR: Extension of the "Eighth Penny" & Establishment of "The Stakeholders Task Force on Rationalizing Revenue Sharing & Intergovernmental Services"
 (4-0) Legislator Marinelli not present.
- n. COMM. 3E-2 (2006)
COMPTROLLER: ERI Incentive in Governor's Proposed Budget
 (5-0)
- o. COMM. 3M-5 (2006)
ECFSA: Resolution Accepting the FY 2006 Budget and Modified Four-Year Plan for FY2006
 (5-0)
- p. COMM. 3M-6 (2006)
STATE DELEGATION: Erie County Sales Tax
 (5-0)

2. COMM. 2D-3 (2006) **AS AMENDED**
BUDGET, MANAGEMENT & FINANCE
 WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

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RESOLVED, that petitions numbered 206012 through 206047 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2006 Petition No. **206012**

ASSESSOR **Cancel** \$277.92

S-B-L 28.00-1-62.111/P **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$277.92 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$277.92**

CANCEL - CLERICAL ERROR, THIS A DUPLICATE PARCEL. PARCEL IS INCLUDED IN SBL 28.00-1-64./P. RPTL 550(2)F.

FISCAL YEAR 2006 Petition No. **206013**

ASSESSOR **Cancel** \$181.88

S-B-L 42.1-6-5 **142289 AMHERST**

Acct. No. 112 \$90.49 County
 Acct. No. 132 \$91.39 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$91.39**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 18,000 WAS OMITTED IN ERROR FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2005 Petition No. **206014**

ASSESSOR **Refund** \$292.08

S-B-L 43.05-1-36 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$292.08 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$292.08**

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Charge To : 143200 CLARENCE \$67.40

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 50,909 SHOULD BE 88,107 ENTERED INCORRECTLY ON THE TAX ROLL.RPTL 550(2)B

FISCAL YEAR 2004 Petition No. 206024

ASSESSOR **Cancel** \$2,390.35

S-B-L 31.00-2-22.1 143200 CLARENCE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$2,390.35 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$2,390.35
Relevy School \$2,390.35 143201 CLARENCE CENTRAL

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 18,042 SHOULD BE 162,042 WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2) CHECK FOR: HANS & JANET MOBIUS

FISCAL YEAR 2005 Petition No. 206025

ASSESSOR **Refund** \$919.59

S-B-L 31.00-2-22.1 143200 CLARENCE

Acct. No. 112 \$670.77 County
 Acct. No. 132 \$248.82 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$248.82

REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 18,042 SHOULD BE 162,042 WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2) CHECK FOR: HANS & JANET MOBIUS

FISCAL YEAR 2005 Petition No. 206026

ASSESSOR **Refund** \$2,297.55

S-B-L 31.00-2-22.1 143200 CLARENCE

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$2,297.55 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$2,297.55

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Relevy School \$2,297.55 143201 CLARENCE CENTRAL
 REFUND - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF
 18,042 SHOULD BE 163,495 WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2)
 CHECK FOR : HANS & JANET MOBIUS

FISCAL YEAR 2006 Petition No. **206027**

ASSESSOR **Cancel** \$979.54

S-B-L 31.00-2-22.1 **143200 CLARENCE**

Acct. No. 112 \$716.02 County
 Acct. No. 132 \$263.52 Town/SpecialDist/School

Charge To : **143200 CLARENCE** **\$263.52**

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF
 18,042 SHOULD BE 163,495 WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2)

FISCAL YEAR 2006 Petition No. **206028**

ASSESSOR **Cancel** \$434.12

S-B-L 44.19-2-27.2 **143200 CLARENCE**

Acct. No. 112 \$246.13 County
 Acct. No. 132 \$187.99 Town/SpecialDist/School

Charge To : **143200 CLARENCE** **\$187.99**

CANCEL - CLERICAL ERROR, THE PARCEL WAS MERGED WITH SBL 44.19-2-26.21.
 RPTL 550(2)F

FISCAL YEAR 2006 Petition No. **206029**

ASSESSOR **Cancel** \$452.43

S-B-L 470.06-3-20 **143200 CLARENCE**

Acct. No. 112 \$363.29 County
 Acct. No. 132 \$89.14 Town/SpecialDist/School

Charge To : **143200 CLARENCE** **\$89.14**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 73,800 (45%) FOR THE COUNTY AND 49,200 (30%) FOR THE TOWN WAS OMITTED
 FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

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Charge To : 143889 CONCORD \$9.21

CANCEL - CLERICAL ERROR, THE SQUARE FOOTAGE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THIS RESULTED IN A HIGHER VALUATION . THE ASSESSMENT WAS 92,500 AND SHOULD BE 89,400. RPTL 550(2)A

FISCAL YEAR 2006 Petition No. 206033

ASSESSOR Cancel \$86.03

S-B-L 234.16-4-1.1 144489 EVANS

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$86.03 Town/SpecialDist/School

44068 ERIE CO SEW DST 2 \$2.03

Charge To : 144489 EVANS \$84.00

CANCEL - CLERICAL ERROR, THE PARCEL WAS CHARGED IN ERROR FOR SEWER CHARGES BY ERIE COUNTY SEWER DISTRICT WHEN IT IS OWNED BY ERIE COUNTY SEWER DISTRICT. RPTL 550(2)E

FISCAL YEAR 2006 Petition No. 206034

ASSESSOR Cancel \$576.00

S-B-L 235.00-2-3.3 144489 EVANS

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$576.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$576.00

CANCEL - CLERICAL ERROR, THE GARBAGE TAX WAS CHARGED FOR 5 UNITS AND SHOULD BE 1 UNIT. RPTL 550(2)E

FISCAL YEAR 2006 Petition No. 206035

ASSESSOR Cancel \$48.33

S-B-L 250.12-9-45 144489 EVANS

Acct. No. 112 \$18.78 County
 Acct. No. 132 \$29.55 Town/SpecialDist/School

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Charge To : 144489 EVANS \$29.55

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 2,50 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2006 Petition No. 206036

ASSESSOR Cancel \$124.70

S-B-L 38.14-3-8.211 144600 GRAND ISLAND

Acct. No. 112 \$81.06 County
 Acct. No. 132 \$43.64 Town/SpecialDist/School

Charge To : 144600 GRAND ISLAND \$43.64

CANCEL - CLERICAL ERROR, THE DISABILITY VETERAN'S EXEMPTION IN THE AMOUNT OF 23,175 SHOULD BE 30,900. THIS WAS MISCALCULATED ON THE TAX ROLL. RPTL 550(2)B

FISCAL YEAR 2006 Petition No. 206037

ASSESSOR Cancel \$661.74

S-B-L 150.16-2-13 144889 HAMBURG

Acct. No. 112 \$277.65 County
 Acct. No. 132 \$384.09 Town/SpecialDist/School

Charge To : 144889 HAMBURG \$384.09

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS PLACED ON THE TAX ROLL IN ERROR. THERE WAS NO EXEMPTION IN THE 2005 TAX BILL. RPTL 550(2)E

FISCAL YEAR 2005 Petition No. 206038

ASSESSOR Cancel \$106.07

S-B-L 115.11-26-37 145289 LANCASTER

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	Acct. No. 112	\$55.40	County
	Acct. No. 132	\$50.67	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$50.67	

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 22,071 WAS OMITTED FROM THE TAX BILL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2006	Petition No.	206039
ASSESSOR	Cancel	\$190.02

S-B-L 93.20-2-34 **145289 LANCASTER**

	Acct. No. 112	\$73.79	County
	Acct. No. 132	\$116.23	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$116.23	

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 14,700 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2006	Petition No.	206040
ASSESSOR	Cancel	\$124.86

S-B-L 106.03-1-10 **145289 LANCASTER**

	Acct. No. 112	\$60.23	County
	Acct. No. 132	\$64.63	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$64.63	

CANCEL - CLERICAL ERROR, THE COMBAT VETERANS EXEMPTION WAS MISCALCULATED. THE AMOUNT WAS 18,000 AND SHOULD BE 30,000. RPTL 550(2)B

FISCAL YEAR 2006	Petition No.	206041
ASSESSOR	Cancel	\$209.80

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S-B-L 65.19-2-7.112

146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$209.80	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$209.80	

CANCEL - CLERICAL ERROR, SPECIAL DISTRICT FOR DRAINAGE WAS APPLIED IN ERROR TO THIS PARCEL. RPTL 550(2)E

FISCAL YEAR 2006	Petition No.	206042
ASSESSOR	Cancel	\$1,551.38

S-B-L 66.83-5-10

146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,551.38	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$1,551.38	
	Relevy School	\$1,551.38	146401 KEN-TON UNION FREE

CANCEL - CLERICAL ERROR, THE RPTL 520 INCLUDED A CHARGE FOR A VETERAN'S EXEMPTION . A CHARGE FOR SCHOOL TAX WAS APPLIED INCORRECTLY. RPTL 550(2)E

FISCAL YEAR 2006	Petition No.	206043
ASSESSOR	Cancel	\$1,834.57

S-B-L 66.77-7-37

146401 KENMORE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,834.57	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE	\$1,834.57	

Relevy Village \$1,834.57 Village of KENMORE

CANCEL - CLERICAL ERROR, THE VILLAGE RELEVY WAS PLACED ON THIS PARCEL IN ERROR. THE RELEVY VILLAGE BELONGS ON SBL 66.77-7-33. RPTL 550(2)I

FISCAL YEAR 2006	Petition No.	206044
ASSESSOR	Cancel	\$702.42

S-B-L 143.19-6-32.3

146800 WEST SENECA

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S-B-L 143.19-6-32.3

146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$350.15	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$350.15	

REFUND - CLERICAL ERROR, SANITARY SEWER 13 WAS APPLIED TO THIS PARCEL IN ERROR. THIS PARCEL IS NOT IN THAT DISTRICT. RPTL 550(2)E
 CHECK FOR: DOUGLAS & ROSE ELLEN MILLER
 (4-0) Legislator Marinelli not present.

3. INTRO 3-5 (2006)
MARINELLI, WHYTE, SMITH, KONST, MILLS, KOZUB, KENNEDY, LOCKLEAR, REYNOLDS, LOUGHRAN and IANNELLO
 WHEREAS, Erie County receives millions of dollars in grants from New York State and the Federal Government; and

WHEREAS, these grant dollars fund a broad range of services provided to the people of Erie County including: public safety, public health and law enforcement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Budget Director attend the next scheduled meeting of the Committee on Finance and Management and provide the Committee with a detailed overview of all grants received by Erie County; and be it further

RESOLVED, that the Budget Director provide a written report to the Committee on Finance and Management that specifies the following information for the 2006 fiscal year by March 15, 2006:

- Name of each grant,
- Number of Erie County residents served by grants,
- The effective dates of each grant,
- The Dollar amount of each grant,
- The Department that receives each grant,
- Names, titles and salaries of all employees funded by each grant,
- Purpose or intended use of grant monies,
- Period or timetable of the grant,

- Miscellaneous costs not covered by the grant incurred by County for administering the grant,
- Information regarding status of grants to be included in future Budget Monitoring Reports, and
- Names, Job Titles and Salaries of persons receiving Grand Fund monies.

(5-0)

4. INTRO 3-10 (2006)

LOCKLEAR, KONST, MAZUR, HOLT, REYNOLDS, LOUGHRAN, SMITH, MARINELLI, IANNELLO, KENNEDY, WHYTE, KOZUB and MILLS.

WHEREAS, the Long Term and Short Term borrowings represent a substantial commitment and obligation of future County resources, both in terms of interest expense and retirement of principle; and

WHEREAS, over-reliance on short-term borrowing to float cash flow deficiencies could be indicative of fiscal instability; and

WHEREAS, the cost of debt service has been consistently and dramatically escalating over the last several budget years and is now \$52,941,648 in the current Budget; and

WHEREAS, from 2002 to 2005 the tobacco securitization proceeds were used to fund debt service of approximately \$60 million; and

WHEREAS, the frequency, volume and practices of long term and short term borrowing by this Administration should be subjected to meaningful and informed discussion and review as a matter of policy.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby call upon the Comptroller to perform a comprehensive Debt Analysis of both Long and Short Term Borrowings of the current Administration, with the starting entry including the last Quarter of the Gorski Administration, through to the date of adoption of this Resolution; and be it further

RESOLVED, that the Debt Analysis shall be performed in accordance with relevant and customary generally accepted accounting principles and further that the Comptroller shall report back to the Legislature the following:

- Set forth on an annual basis, the actual debt service incurred for the multi-year period;
- Compare on an annual basis the growth in actual debt service, to other material costs centers including but not limited to Medicaid, Payroll and Pension Contribution. For purposes of this Resolution material cost centers in addition to those specified above, shall mean and include any cost center that equals or exceeds 10 % of each year's budget;

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- For the period, in addition to currently outstanding bonds, also identify all retired bonds;
- A statement describing the history/changes/rationale of the County's relationships with the various rating agencies (i.e. Fitch, Moody's, S&P);
- A report on the expenditure of the proceeds of the securitization of the Tobacco Settlement Funds from 2001 to the present, including amounts, timing and names of recipient capital projects; and historical and projected uses of the Tobacco securitization proceeds to fund capital debt service; and
- A statement of analysis and justification of upcoming borrowings anticipated in 2006.

RESOLVED, that the Debt Analysis be completed on an expedited basis but in no event later than March 15, 2006; and be it further

RESOLVED, that the Debt Analysis include a summary report identifying the amounts of all transaction fees paid, all vendors to whom such fees were paid, and a description of services rendered in the support of the consummation of transactions to effectuate the Borrowings; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Attorney and Director of Budget, Management and Finance.
(5-0)

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved to separate items # 3 and 4 and move the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to amend item #3 by including Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved for the approval of item #3. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to amend item #4 by including Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved for the approval of item #4. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

FEBRUARY 9, 2006

HUMAN SERVICES COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 1E-26 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services requests authorization to accept an award in the amount of \$400,000 for the Youth Engagement Services (YES) Program, and

WHEREAS, funds are targeted to contract providers who were previous recipients of funding under State administered programs under the umbrella of the Youth Employment and Education Training Program (YEETP), and

WHEREAS, the (3) previous providers of these services in Erie County are the Buffalo Urban League, the Belle Center and Erie Community College, and

WHEREAS, programs will identify issues relating to the potential for drop out and will implement strategies to enable success in education and employment, and

WHEREAS, an application to fund these providers was submitted to and approved by New York State, and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	The Belle Center	\$100,000
516010	Buffalo Urban League	200,000

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516010	Erie County Community College	<u>100,000</u>
	Total Expenditure	<u>\$400,000</u>
407650	State Aid Child Welfare Services	<u>\$400,000</u>
	Total Revenue	<u>\$400,000</u>

and be it further

RESOLVED, due to the need to provide special services immediately, the requirement for Request for Proposals is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (3-0) Legislator Marinelli not present.

2. COMM. 2E-18 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already authorized the County Executive to contract with various home care providers, and

WHEREAS, the Department of Senior Services (Department) contracts with various licensed home care agencies to provide personal care, homemaker, and housekeeper services to frail elderly persons under various grant programs, and

WHEREAS, the Department wishes to add People, Inc. to the list of authorized providers.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with People, Inc. as an additional authorized home care provider as of January 1, 2006, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney and the Department of Senior Services.
 (4-0)

THOMAS J. MAZUR
CHAIRMAN

Item 20 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 50

FEBRUARY 9, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 19E-59 (2005)

SMITH: Letter to Interim Sheriff Re: Asset Forfeiture Funds
 (5-0)

2. COMM. 3E-7 (2006)

COUNTY EXECUTIVE

WHEREAS, funds for the Federal Family Violence Prevention Services Act (FFVPSA) Grant are available from the New York State Office of Children and Family Services in the amount of \$39,578, and

WHEREAS, the District Attorney's Office will utilize the funds to designate a Victim Advocate to assist victims of domestic violence throughout the criminal justice process.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Office of Children and Family Services for the purpose of assisting victims of domestic violence throughout the criminal justice process, which will ultimately result in the successful prosecution of these types of cases and the long-term safety of the victim, and be it further

RESOLVED, that authorization is hereby provided to create the position of Victim Advocate, Job Group 6, in the District Attorney's Federal Family Violence Prevention Services Act (FFVPSA) Grant, (B-100 #1780) and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Federal Family Violence Prevention Services Act (FFVPSA) Grant as follows:

DISTRICT ATTORNEY'S OFFICE
 FEDERAL FAMILY VIOLENCE PREVENTION
 SERVICES ACT (FFVPSA) GRANT
 114FFVPSA0506
 MARCH 31, 2006 TO MARCH 30, 2007

Revenue:

409000 State Revenue
 Total Revenue

Increase

\$ 39,578
\$ 39,578

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Appropriation:

500000 Personal Services	\$ 29,758
502000 Fringe Benefits	<u>9,820</u>
Total Appropriations	<u>\$ 39,578</u>

and be it further

RESOLVED, that this position is allowed to be filled by the grant start date of March 31, 2006, so that all grant monies will be fully utilized, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Comptroller, Erie County Personnel and the Director of Budget, Management and Finance.

(5-0)

3. COMM. 3E-23 (2006) **AS AMENDED**

SHERIFF

WHEREAS, Federal and State Forfeiture funds may be expended for training and other law enforcement travel expenses, and

WHEREAS, Erie County Sheriff's Office employees have incurred training and other informational travel expenses while awaiting the transfer of Federal and State Seized Asset funds from the Shared Revenue Asset Forfeiture trust account to the expenditure account, and

WHEREAS, due to complications because of the conversion of County computer systems and delays in transfers of funds between accounts, computer approval of travel and training requests was not received, and

WHEREAS, employees should be reimbursed for expenses they incur while traveling to and attending training on behalf of the County of Erie and the Erie County Sheriff's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget, Management, and Finance is hereby authorized to approve reimbursement for travel and training expenses incurred by Sheriff's Office personnel in 2004 and 2005 in the amount of twelve thousand, seven hundred, sixty-five dollars and seventy-seven cents (\$12,765.77) from the funds transferred from the Shared Revenue Asset Forfeiture trust account, and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance and the Office of the Sheriff for implementation.

(5-0)

DANIEL M. KOZUB
CHAIR

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Item 21 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

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ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WHYTE. CHAIRMAN MARINELLI
 PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 2M-3 (2006)
CITY OF BUFFALO COMMON COUNCIL: County Reneging on Tree Maintenance
 (4-0)
 - b. COMM. 3E-10 (2006)
COUNTY EXECUTIVE: ECSD No. 1 - Engineering Service Agreements - Work Order:
 URS-4, Legislative Comm. 21E-33
 (4-0)
 - c. COMM. 3E-12 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-7
 (4-0)
2. COMM. 2E-14 (2006)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2006 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2006 Action Plan dollar estimated amounts as indicated.

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1	Erie County Consortium Community Development Block Grant Program:	\$3,174,342
2	Emergency Shelter Grant Program:	\$ 126,622
3	HOME Investment Partnership Program	\$1,151,274
4	Town of Hamburg Community Development Block Grant Program	\$ 450,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the Director of the Division of Budget, Management, and Finance.

(4-0)

3. COMM. 3E-11 (2006)

COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested approval of an Agreement with Michelle P. Battaglia, 198 Roycroft Boulevard, Snyder, New York 14226, to assist with the development of the Division's electronic filing system; and

WHEREAS, the current filing system, while functional, is complex and voluminous and is costly to maintain and retrieve information from; and

WHEREAS, Michelle P. Battaglia will coordinate with the staff to develop an electronic filing system, training manual for reference when entering data, generating reports, retrieving documents and all necessary procedures for a standardized, electronic filing system.

NOW, THEREFORE, BE IT

RESOLVED, that an Agreement with Michelle P. Battaglia, 198 Roycroft Boulevard, Snyder, New York 14226, to provide the necessary services in an amount not-to-exceed \$7,000.00 is hereby approved; and be it further

RESOLVED, that the funding for the training services be allocated from Contractual Service Account 516020 as follows: Sewer District Nos. 1,4 & 5 1811010, \$2,800; Sewer District No. 2 1821010, \$630.00; Southtowns 1831010, \$3,220.00; and Sewer District No. 6 1861010, \$350.00; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Joel A. Giambra, County Executive; Thomas J. Whetham, Deputy Commissioner, Department of Environment and Planning; Mark Poloncarz, Erie County Comptroller; and Ken Vetter, Director Budget, Management and Finance.

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(4-0)

4. COMM. 3E-13 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Malcom Pirnie, Inc. to provide engineering services to the Erie County Sewer Districts No. 1, 2, 4 & 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated November 1, 2002 with Malcom Pirnie, Inc. in the amount of \$216,844.94.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 1, 2002 between Erie County Sewer Districts No. 1, 2, 4 & 5 and Malcom Pirnie, Inc. be formally closed-out in the final amount of \$216,844.94; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out any remaining contract encumbrance in the various Sewer Capital Accounts, between Erie County Sewer Districts No. 1, 2 4 & 5; and be it further

RESOLVED, that the Clerk of the Legislature be directed to one certified copy of this Resolution to County Executive, Joel Giambra; two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy each to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0)

5. COMM. 3E-16 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of URS Corporation to provide engineering services to the Erie County Sewer District(s) and the Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated April 1, 2002 with URS Corporation in the amount of \$155,469.61.

NOW, THEREFORE, BE IT

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RESOLVED, that the Engineering Agreement dated April 1, 2002 between Erie County Sewer Districts/Southtowns Sewage Treatment Agency and URS Corporation be formally closed-out in the final amount of \$155,469.61; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the various Sewer Capital Accounts, between Erie County Sewer District/Southtowns Sewage Treatment Agency and URS Corporation; and be it further

RESOLVED, that the Clerk of the Legislature be directed to one certified copy of this Resolution to County Executive, Joel Giambra; two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy each to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
 (4-0)

6. COMM. 3E-17 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), has provided \$500,000 in financial support for Phase II Stormwater Implementation Projects in Western New York; and

WHEREAS, a resolution passed by the Erie County Legislature, dated September 23, 2004 (attached), appropriated the NYSDEC grant resources in 2004 Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements; and

WHEREAS, a resolution passed by the Erie County Legislature, dated November 4, 2004 (attached), authorized the County Executive to execute a contract with Bergmann Associates in the amount of \$80,000 for GIS mapping services; and

WHEREAS, field verification of stormwater outfalls revealed a much greater number than estimated, thus requiring additional mapping services; and

WHEREAS, the cost of this additional work is estimated to be \$41,000; and

WHEREAS, it is required by the grant to develop a Memorandum of Agreement to formalize the Western New York Stormwater Coalition and affirm the members commitment to delivering the work products associated with the grant; and

WHEREAS, there are grant funds in the 2004 Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements, for legal services; and

WHEREAS, the UB Law Clinic will provide the legal services necessary to develop the Memorandum of Agreement at a cost of \$3,000.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to approve a change order in the amount of \$41,000 to an existing contract with Bergmann Associates to perform additional GIS mapping services, and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the UB Law Clinic in the amount of \$3,000 to develop a Memorandum of Agreement on behalf of members of the Western New York Stormwater Coalition, and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal & State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

7. COMM. 3E-18 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, in January 2002, the DEP initiated a regional strategy to assist MS4s in Erie and Niagara County in complying with Phase II Stormwater regulations; and

WHEREAS, the regulated MS4s in Erie and Niagara County have been meeting informally as the Western New York Stormwater Coalition to collaborate on developing a joint Stormwater Pollution Prevention Program; and

WHEREAS, the Department of Public Works (DPW) – Division of Highways and the Department of Environment and Planning – Division of Sewerage Management are regulated MS4s that participate in the Coalition; and

WHEREAS, the members of the Western New York Stormwater Coalition have collectively decided to formalize the structure of the organization and establish a participation fee through execution of a Memorandum of Agreement (MOA); and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management realize the benefits of membership in the Coalition and agree to the terms and conditions associated with that membership; and

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WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management have the funds to pay the annual membership dues.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into a Memorandum of Agreement with 44 Municipal Separate Storm Sewer System Owners and Operators to formally establish the Western New York Stormwater Coalition, and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways and the DEP – Division of Sewerage Management will be members of the Coalition and will receive all work products, and be it further

RESOLVED, that the DPW – Division of Highways and the DEP – Division of Sewerage Management will remit the following participation fees to the Western New York Stormwater Coalition: \$2,500 (DPW – Division of Highways) and \$1,250 (DEP - Division of Sewerage Management), and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways will pay the annual membership fee from SAP Fund 210 Account # 516020, and the DEP – Division of Sewerage Management will pay the annual membership fee from the Sewer District No. 6 Operating Fund, Cost Center 1861010 - Account # 516020, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Thomas J. Whetham, P.E., Deputy Commissioner of Environment and Planning; John C. Loffredo, Commissioner of Public Works; the County Comptroller; and the County Attorney.
 (4-0)

8. COMM. 3E-19 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the ECDEP has coordinated the activities of the Coalition and pursued grant funding to support its efforts since its inception; and

WHEREAS, the New York State Department of State solicited applications for projects that target shared services through its 2005-2006 Shared Municipal Services Incentive Grant Program; and

WHEREAS, the objectives of the Western New York Stormwater Coalition Software Purchase Program meet the criteria for funding through the New York State Department of State Shared Municipal Services Incentive Grant Program, and an application requesting \$185,000 in

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grant funding has been prepared by the Erie County Department of Environment and Planning (ECDEP); and

WHEREAS, the required match of \$ 20,000 will be provided by the Western New York Stormwater Coalition; and

WHEREAS, the County Executive will forward to the County Legislature a new resolution to authorize the County Executive to enter into an agreement with the New York State Department of State and act on behalf of the County in all matters related to this financial assistance if the project is selected for funding.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Department of State for a proposed Western New York Stormwater Coalition Software Purchase Program, and be it further

RESOLVED, that upon approval of said grant request, the County Executive will forward a suggested Resolution to the Legislature authorizing the County Executive to enter into an agreement with the State and act on behalf of the County in all matters related to this financial assistance, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

THOMAS J. LOUGHRAN
CHAIRMAN

Item 22 – MS. IANNELLO presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

FEBRUARY 9, 2006

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

MICHELE M. IANNELLO
CHAIRPERSON

LEGISLATOR RESOLUTIONS

Item 23 – CHAIRMAN MARINELLI directed the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 4-1 from LEGISLATOR LOUGHRAN Re: The Provision of Discretionary Services by the Dept. of Parks, Recreation & Forestry

Item 24 – CHAIRMAN MARINELLI directed the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 4-2 from LEGISLATOR MARINELLI Re: Appointment to Fill Board Vacancy

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Variable Minimums for Difficult to Fill Positions (Intro 4-4)

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATORS MARINELLI, WHYTE, IANNELLO,
 KONST, REYNOLDS, LOUGHRAN, LOCKLEAR,
 KENNEDY, SMITH, HOLT & KOZUB**

WHEREAS, Compensation levels for Erie County employees are determined by the Job Group (JG) they are placed in at the time of their initial hire. All future changes in compensation are based on prescribed incremental increases within the "Job Group", commonly referred to as "steps". After the first year of employment employees advance a "step" in their "Job Group" salary and receive an incrementally higher annual salary; and

WHEREAS, when there is difficulty in recruiting a qualified employee at the compensation rate determined by the Job Group, the County of Erie has occasionally granted additional "steps" which allows for additional initial compensation. This is referred to as a "variable minimum" and is a recruitment incentive that enables the County to compensate the employee at a higher salary level than otherwise permitted; and

WHEREAS, the granting of a "variable minimum" is only permitted when there is difficulty in recruitment and the County is unable to fill the position at the entry level salary designated by the "Job Group"; and

WHEREAS, the granting of a variable minimum which exceeds the initial Job Group salary level should only be awarded after approval by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the 1st and 2nd paragraphs of the 3rd Resolved clause of the 2006 Budget Resolutions are deleted in their entirety and replaced with the following paragraphs:

When it is impossible to recruit personnel through the regular channels for certain positions, the County Executive is authorized to fill such positions temporarily at a per diem rate not in excess of the salary provided in the budget subject to the approval of the County Legislature.

To seek Legislative approval based on the previous paragraph the County Executive must provide the Legislature with a written request that must include: the job description, the proposed per diem salary level and a summary of all recruitment efforts to date. If requested the County Executive, or his designee, must appear before the appropriate Committee of the Erie County Legislature to answer any questions about the requested action.

The Commissioner of Personnel, with the approval of the County Executive and the County Legislature, is hereby authorized to recruit at a higher increment level within the position salary range in cases where there are difficulties in recruitment.

To seek Legislative approval based on the previous paragraph the Commissioner of Personnel must provide the Legislature with a written request that must include: a job description, the name of the employee, the salary of the position, the amount of the variable minimum, and a summary of all recruitment efforts to date. If requested the Commissioner of Personnel must appear before the appropriate Committee of the Erie County Legislature to answer any questions about the requested variable minimum; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Commissioner of Personnel, Budget Director, District Attorney, Sheriff, Comptroller, and the County Clerk.

MS. SMITH moved to amend the item by including Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for the approval of the item as amended. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 – MS. WHYTE moved to discharge Intro 3-2 from the FINANCE & MANAGEMENT COMMITTEE. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

RE: Institution of Mid-Year Budget Hearings by
Erie County Legislature

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR SMITH**

WHEREAS, Erie County has for the past several years faced a continuing fiscal crisis; and

WHEREAS, as a result of this fiscal crisis, the New York State Legislature and the Governor approved the creation of the Erie County Fiscal Stability which has the power to monitor and advise Erie County regarding its finances; and

WHEREAS, the Erie County Fiscal Stability Authority has approved a four-year plan which was developed by the County Executive and after review and modification approved by the Erie County Legislature; and

WHEREAS, the Erie County Legislature has a responsibility to monitor the 2006 Erie County budget and to make adjustments to avoid deficits; and

WHEREAS, the Erie County Legislature receives monthly budget monitoring reports prepared by the Department of Budget, Management and Finance; and

WHEREAS, the budget monitoring reports do not accurately show the state of the County's finances at the time of their receipt by the Erie County Legislature; and

WHEREAS, the flaws inherent in the current budget monitoring reports are acknowledged and identified in the initiative matrix attached to the County's four-year plan; and

WHEREAS, the Erie County Fiscal Stability Authority currently operates in an advisory capacity to Erie County government, in the event the county's budget is in the deficit, then the Erie County Fiscal Stability Authority can become a hard control board with vast powers and responsibilities with respect to Erie County's financial matters.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature will hold mid-year budget hearings for the express purpose of determining on a department by department basis the status of each department with respect to its 2006 budget; and be it further

RESOLVED, that the County Executive, the Director of Budget, Management and Finance, and the Comptroller shall participate fully in these mid-year budget hearings and supply any and all information necessary for the conduct of these mid-year budget hearings; and be it further

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RESOLVED, that the mid-year budget hearings shall be held in the month of June, 2006 and if as a result of these hearings, the Legislature has evidence that immediate change is necessary to insure that the 2006 budget remains balanced then the Legislature shall presume that a deficit has been declared and proceed to address the problem in the manner provided for in Section 1806 of the Erie County Charter, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Erie County Comptroller, the District Attorney, the Clerk of Erie County, the County Attorney, the Director of Budget, Management and Finance and the Erie County Fiscal Stability Authority.

MR. SMITH moved to amend the item by including Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved for approval of the item as amended. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 27 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI directed the item be Received, Filed and Printed.

GRANTED.

COMM. 4E-28 from LEGISLATOR MARINELLI Re: Erie County Task Force on Revenue Sharing and Regional Cost Sharing

February 14, 2006

The Honorable
 Erie County Legislature
 92 Franklin Ave., 4th Floor
 Buffalo, New York 14202

**RE: ERIE COUNTY TASK FORCE ON REVENUE SHARING AND
 REGIONAL COST SHARING**

Dear Honorable Members:

In accordance with the authorizing language of the Imposition of the Additional 1% Sales Tax (A.6461A/S.6300A) and the Erie County Legislature Rules of Order 1.01 (10), I hereby declare

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that the Erie County Task Force on Revenue Sharing and Regional Cost Sharing be comprised of the following members:

- A Private Sector Chair
- Two Members of the Association of Erie County Governments (Urban and Suburban/Rural)
- One State Representative named by State Assembly Majority Leader
- One County Legislator named by Chair of Legislature
- One County Executive Appointee
- One City of Buffalo Mayoral Appointee

All appointments must be made and conveyed to the Legislature Chair by February 24, 2006.

Sincerely,

Lynn M. Marinelli
 Chair
 Erie County Legislature

cc: Dave Rutecki, Vice-President, M&T Bank
 Association of Erie County Governments
 State Assembly Majority Leader
 County Executive
 City of Buffalo Mayor

Item 28 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI directed the item be received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMM. 4E-29 from LEGISLATOR MARINELLI Re: Copy of Letter to Social Services Commissioner Re: Reply to Feb. 1 Letter Regarding Cuts to DSS

Item 29 – MS. WHYTE moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN MARINELLI directed the item be received and referred to the FINANCE & MANAGEMENT COMMITTEE

GRANTED.

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COMM. 4E-30 from the COUNTY EXECUTIVE: Copy of Letter to State Delegation Re:
Four-Year Plan Initiatives

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 30 – (COMM. 4E-1) Copy of Letter to County Attorney Re: Litigation Against
Pharmaceutical Companies

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 31 – (COMM. 4E-2) Variable Minimum for Director of Cooperative Economic Growth

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 4E-3) Invitation for ECFSA & ECL to an Overnight Organized Strategic
Planning Meeting

Received and filed.

FROM THE COMPTROLLER

Item 33 – (COMM. 4E-4) 2004 Management Letter

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 34 – (COMM. 4E-5) Change in Session Date

Received, Filed and Printed.

February 8, 2006

Kevin M. Kelley
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Kelley:

Please be advised that I would like to change the session of the Erie County Legislature scheduled
for February 16, 2006 at 2:00 PM to February 14, 2006 at 2:00 PM.

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Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular session of the Legislature.

Thank you for your prompt attention to this matter.

Sincerely,

LYNN M. MARINELLI
Chairperson, Erie County Legislature

Cc: Hon. Maria R. Whyte
Majority Leader, Erie County Legislature

Hon. Barry Weinstein
Minority Leader, Erie County Legislature

Mr. Sean Ryan
Chief of Staff

FROM LEGISLATOR KONST

Item 35 – (COMM. 4E-6) Letter to Marinelli Re: Last-Minute Change in Session Dates

Received and filed.

FROM LEGISLATOR MARINELLI

Item 36 – (COMM. 4E-7) Community Enrichment Matrix Tracking

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 37 – (COMM. 4E-8) Economic Development Matrix Tracking

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (COMM. 4E-9) Energy & Environment Matrix Tracking

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – (COMM. 4E-10) Finance & Management Matrix Tracking

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 40 – (COMM. 4E-11) Government Affairs Matrix Tracking

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 – (COMM. 4E-12) Health Matrix Tracking

Received and referred to the HEALTH COMMITTEE.

Item 42 – (COMM. 4E-13) Human Services Matrix Tracking

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 43 – (COMM. 4E-14) Public Safety Matrix Committee

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 4E-16) ECSD No. 3 - Engineering Agreement Close-out - Village of Blasdell Sanitary Sewer System - Rehabilitation Assessment - Malcolm Pirnie, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (COMM. 4E-17) DA's Office - Asset Forfeiture Appropriations

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (COMM. 4E-18) Senior Services - Authorization to Amend the ORT, CSE, EISEP and WRAP-SOFA Grants

Item 47 – (COMM. 4E-19) Senior Services - Authorization to Extend the Sponsorship Pilot Program

Item 48 – (COMM. 4E-20) Senior Services - Authorization to Amend the III-B, III-C-1, III-D, III-E and HOPE, HEALP and WRAP-DSS Budgets.

The above three items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 49 – (COMM. 4E-21) DA's Office - STEPS/RtR Grant Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 50 – (COMM. 4E-22) Senior Services - Authorization to Contract with a Stay Fit Dining Site Sponsor

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 51 – (COMM. 4E-23) Reappointments to the Senior Services Advisory Board

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Received, Filed and Printed.

February 14, 2006

The Honorable
 Erie County Legislature
 92 Franklin Street – 4th Floor
 Buffalo, New York 14202

RE: Reappointments to the Senior Services Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby reappoint the following individuals to a two –year term on the Senior Services Advisory Board, ending December 31, 2007.

Ms. Jane Brookings
 33 Linwood Avenue, Apt. 605
 Buffalo, New York 14209

Ms. Arta Davis
 290 Bellingham Drive
 Williamsville, New York 14221

Ms. Georgia Henley
 358 Hastings Avenue
 Buffalo, New York 14215

Ms. Jean Millholland
 800 West Ferry Street, #5C
 Buffalo, New York 14222

Mr. Leonard Sikora
 100 Treehaven Lane
 Elma, New York 14059

Ms. Donna Sundell
 3801 North Boston Road
 Eden, New York 14057

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

Item 52 – (COMM. 4E-25) Appointment/Reappointments to Local Early Intervention Coordinating Council

Received, Filed and Printed.

February 14, 2006

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Appointments/Reappointments to Local Early Intervention Coordinating Council

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Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to N.Y.P.L. 99-457 (H), do hereby appoint/reappoint the following individuals to the Local Early Intervention Coordinating Council for a term expiring December 31, 2007.

Appointments

Parent Members:

Amy Jo Adler
86 Homer Avenue
Buffalo, New York 14216

Lynda Carver
20 Quail Run Lane
Lancaster, New York 14086

Latanya Jacob
110 Edgewood Avenue
Tonawanda, New York 14223

Tracy Paradowski
24 Frank Avenue
Buffalo, New York 14210

Provider Members:

Deborah Holman
Aspire of WNY
4635 Union Road
Buffalo, New York 14225

Tami Treutlien
SCLA
3993 Harlem Road
Amherst, New York 14226

Marybeth DeJohn
Personal Care Therapeutics
417-1/2 Linwood Avenue
Buffalo, New York 14209

Designees from Dept. of Social Services, Mental Health and/or Health

Mary Morilus-Black

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478 Main Street
Hens & Kelly Building, Room 210
Buffalo, New York 14202

Lisa Kowal
76 Waverly
Kenmore New York 14217

Marie Martin
Rath Building, Room 828
Buffalo, New York 14202

Bill O'Meara
Rath Building, Room 828
Buffalo, New York 14202

Reappointments

Provider Members:

Dr. Judith Bondurant-Utz
Buffalo State College
1300 Elmwood Avenue, KH 110-E
Buffalo, New York 14222

Vicki Rubin
Early Childhood Direction Center
888 Delaware Avenue
Buffalo, New York 14209

Child Care Provider:

Mary Iwanenko
Executive Director
Monarch Little Learners Academy
1025 Ridge Road
Lackawanna, New York 14208

Local Development Disabilities Office:

Richard Gould
WNYDDSO
110 W. Third Street
Jamestown, New York 14701

Day Care Provider:

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FEBRUARY 14, 2006

ERIE COUNTY LEGISLATURE

Richard Grisanti
 119 Columbia Boulevard
 Kenmore, New York 14217

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG:jdl

Cc: Appointees
 Patrick Ruffino, 1st Deputy Commissioner of Youth Services
 Mary Martin, Director of Services for Children with Special Needs

Item 53 – (COMM. 4E-26) Erie County Sewer Construction Projects - Annual Change Order Report

Item 54 – (COMM. 4E-27) ECSD Nos. 1, 2, 3, 4, 5, 6 and Erie County/STSTA Capital Improvements Plan Development

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM SOCIAL SERVICES

Item 55 – (COMM. 4D-1) Possible Cuts to Social Services Dept.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 56 – (COMM. 4D-2) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 57 – (COMM. 4D-3) Change in Session Date

Received, Filed and Printed.

To: All Erie County Legislators

From: Kevin M. Kelley, Clerk of the Legislature

MEETING NO. 4
FEBRUARY 14, 2006

ERIE COUNTY LEGISLATURE

Date: February 8, 2006

Subject: CHANGE IN SESSION DATE

PLEASE TAKE NOTICE that pursuant to Rule 2.01 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairperson Lynn M. Marinelli, the Session of the Erie County Legislature originally scheduled for February 16, 2006 has been changed.

Chairperson Marinelli has rescheduled that session for **Tuesday, February 14, 2006 at 2:00 p.m.** in the Erie County Legislative Chambers, 92 Franklin Street, 4th Floor, Buffalo, New York.

This change will not affect any other previously scheduled Session dates.

Be advised that the clock-in deadline for items to be considered at the February 14th Session will be before 11:00 a.m. on Friday, February 10, 2006.

ATTACHMENT-1

- C: Hon. Joel A. Giambra, County Executive (w/ Attachment)
 Hon. Frank J. Clark, District Attorney (w/ Attachment)
 Hon. Timothy Howard, Sheriff (w/ Attachment)
 Hon. Mark Polancarz, Comptroller (w/ Attachment)
 Hon. David J. Swarts, County Clerk (w/ Attachment)
 Other Interested Parties (w/ Attachment)

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECWA

Item 58 – (COMM. 4M-1) Unaudited Comparative Financial Statements for Years Ended December 2005 & 2004

Received and filed.

FROM THE ECIDA

Item 59 – (COMM. 4M-2) Notice of Board of Directors Meeting to be Held 2/1/06

Received and filed.

FROM THE BUFFALO NIAGARA PARTNERSHIP

Item 60 – (COMM. 4M-3) Copy of Letter to County Executive Re: Local Law 1-1

Received and filed.

FROM THE ERIE COUNTY BAR ASSOCIATION – AID TO INDIGENT PRISONERS
SOCIETY INC. – ASSIGNED COUNSEL PROGRAM

Item 61 – (COMM. 4M-4) Financial Report for Year Ending 15/31/05

Received and filed.

FROM THE NFTA

Item 62 – (COMM. 4M-5) Board Minutes for 12/19/05 Meeting

Received and filed.

FROM ELAINE MOSHER, MLS

Item 63 – (COMM. 4M-6) Copy of Letter to Kenmore Village Trustees Re: Rat Bites

Received and filed.

MEMORIAL RESOLUTIONS

Item 64 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of William J. Ragan.

Item 65 – Legislator Holt requested that when the Legislature adjourns, it do so in memory of Thelma J. Howard.

Item 66 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Robert L. Altman.

Item 67 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of William Conrad.

Item 68 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Joan Cesnor.

Item 69 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Judge Matthew Jason.

Item 70 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of J. Douglas Trost.

ADJOURNMENT

Item 71 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 4
FEBRUARY 14, 2006

ERIE COUNTY LEGISLATURE

MR. SMITH moved that the Legislature adjourn until Thursday, March 2, 2006 at 2 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 2, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK